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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,775	08/31/1999	LASZLO ERDELY JR.	1858.003	1784

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EXAMINER	
TIEU, BINH KIEN	
ART UNIT	**PAPER NUMBER**
2614	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/386,775	ERDELY ET AL.	
	Examiner	Art Unit	
	BINH K. TIEU	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 11-18* is/are rejected.

7)☒ Claim(s) *8-10* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3, 6-7, 11-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art ("AAPA") in view of Williams (US Pat. #: 5,550,901, ***as cited in the previous Office Action***).

Regarding claims 1, 2, 17 and 18, the AAPA teaches, in figure 1 and in the "Background of the Invention" on pages 1-3 of the Specification, a system and a method of providing digital communications between a central office and a customer premises comprising the feature of

placing a local loop generation mechanism in series with a communication path between the central office and the customer.

It should be noticed that the AAPA fails to clearly teach a frequency-selective filter placed in parallel with the local loop generation mechanism so as to provide a bypass path across the local loop generation mechanism. However, Williams teaches an adapter circuit 18, as shown in figure 1, comprising a band-reject filter 33. The band-reject filter 33 is a passive LC network and capacitor C6, as shown in figure 2, in connected parallel with the links 22 and 25 as shown in figure 1, wherein the links 22 and 25 read on the local loop generation mechanism in series with a communication path (i.e., in series with local loop 12 and telephone loop 14) between the central office and the customer (see col.3, line 54 through col.4, line 31; col.5, line 52 through col.6, line 36). It is also noticed that the DTMF signals and communications on the local loop containing second frequency range. A DTMF detector is used and shown in figure 4 for a purpose of attenuating (voiceband and DTMF) signals carrying in the voiceband frequency range outside the designed voice band and for eliminating undersigned voice band signals generated from other PBX telephones in communications.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of the band-reject filter 33 in parallel connection with a local loop generation mechanism in series with a communication path between the central office and the customer, as taught by Williams, into view of AAPA in order to eliminate interruption of communications between the customer and the central office when other terminal is put in use.

Regarding claims 3, 6-7 and 11-15, the obvious combination of the AAPA and the Williams teach and render the limitations of the claims.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art ("AAPA") in view of Williams (US Pat. #: 5,550,901) as applied to claim 2 above, and further in view of Hansen et al. (US. Pat. #: 5,255,267).

Regarding claims 4 and 5, the AAPA and Williams teaches all subject matters as claimed except for the filter is a bandpass filter or high pass filter, as argued by the Applicants in their remarks. However, Hansen et al. ("Hansen") teaches such filters in col.3, lines 9-39 for a purpose of bypassing RF broadband and baseband data signals.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of the filter to be the bandpass filter or high pass filter, as taught by Hansen into view of AAPA and Williams in order to bypass the broadband data signals as well as voice data signals.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art ("AAPA") in view of Hansen et al. (US Pat. #: 5,255,267).

Regarding claim 16, the AAPA teaches, in figure 1 and in the "Background of the Invention" on pages 1-3 of the Specification, a system and a method of providing digital communications between a central office and a customer premises comprising the feature of placing a local loop generation mechanism in series with a communication path between the central office and the customer.

It should be noticed that the AAPA fails to clearly teach a frequency-selective filter placed in parallel with the local loop generation mechanism so as to provide a bypass path across the local loop generation mechanism with two different frequency ranges wherein the second frequency range being generated by a local loop. However, Hansen teaches such features in col.3, lines 9-39 for a purpose of bypassing RF broadband and baseband data signals.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of the features of a frequency-selective filter placed in parallel with the local loop generation mechanism so as to provide a bypass path across the local loop generation mechanism with two different frequency ranges wherein the second frequency range being generated by a local loop, as taught by Hansen, into view of AAPA in order to bypass the broadband data signals as well as voice data signals.

Allowable Subject Matter

6. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and ***any intervening claims***.

Response to Arguments

7. Applicant's arguments filed 07/14/2006 have been fully considered but they are not persuasive.

In response to the Applicants argued on page 7 continued to the end of the first paragraph of page 8 wherein the Applicants stated as followings:

> "...***Applicant believes the Examiner has misread Williams. Williams shows a filter 33 in series with a local loop, the local loop being shown between PBX telephone 26 and telephone 42...Therefore, Williams discloses a filter in series with a local loop rather than "in parallel with the local loop," as claim 1 recited. Thus, Williams does not meet the burden...***"

The Examiner respectfully disagrees with the Applicants' arguments above. According to the passage in col.4, lines 12-15 of the Williams reference, "...the "conference position", the band reject filter 33 is connected between the tip and ring conductors of the PBX telephone 26 and the corresponding conductors of signal line 12 leading to the exchange 10..." it is clearly understood that the band reject filter 33 is connected in ***series*** between the PBX telephone 26 and the exchange 10.

In response to the Applicants' arguments on page 9, The Applicants' arguments are correct. The Applicants should refer to the new ground rejection with new cited Hansen reference as stated above. It is also noted that the RJ71C terminal block is known in the art. However, claim 8 is indicated as allowed subject matter if it is combined with other limitations recited in the intervening claims of claims 3 and 7.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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In formation regarding the status of an application may be obtained from the Patent Application Information Retrieval (FAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the FAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BINH TIEU
PRIMARY EXAMINER
Art Unit 2614

Date: September 02, 2006